

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KEVIN JAMES KOHUTE,

Plaintiff,

v.

MARVEL STUDIOS,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Case No. 6:24-cv-392-JDK

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Kevin Kohute, proceeding pro se, filed this lawsuit against Defendant on October 11, 2024. Docket No. 1. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition of the action. Docket No. 2. On December 9, 2024, the Magistrate Judge issued a Report and Recommendation (Docket No. 4) recommending that Plaintiff's complaint be dismissed without prejudice for failure to comply with a court order and failure to prosecute. Plaintiff acknowledged receipt of the Report on December 12, 2024. Docket No. 5. Plaintiff has not filed objections to the Report and the time frame for doing so has passed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law.


Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 4) as the findings of this Court. It is therefore **ORDERED** that this case is **DISMISSED** without prejudice.

So ordered and signed on this

Jan 9, 2025


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE